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PLEASE REPLY TO ROSELAND, NJ

March 5, 2013

Honorable Steven C. Mannion, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Jr. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: North Jersey Surgery Center v. Horizon, et al  
Case No.: 2:12-cv-07003-ES-SCM**

**North Jersey Surgery Center v. Horizon, et al  
Case No.: 2:12-cv-07131-ES-SCM**

Dear Judge Mannion:

This office represents defendant, Horizon, in the above referenced matters. We write to advise of a docketing issue with the hopes of resolving the same prior to the conducting of Rule 16 conferences.

Specifically, North Jersey Surgery Center filed individually and a/s/o Donna Denicola in the Law Division of Bergen County naming both Horizon and United Parcel Service of America, Inc. ("UPSOA"), improperly pleaded in the Complaint as "United Parcel Service," as defendants. Apparently, as neither defendant was aware of the existence of counsel for the other, both Horizon and UPSOA separately filed for removal of the Bergen County action to the District Court. The filing by Horizon was removed and assigned Case No. 2:12-cv-07003-ES-SCM. The filing by UPSOA was removed and assigned Case No. 2:12-cv-07131-ES-SCM.

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The newer docketed case, 2:12-cv-07131-ES-SCM, is scheduled for a Rule 16 conference with Your Honor on Friday, March 8, 2013. The older docketed case, 2:12-cv-07003-ES-SCM, is scheduled for a Rule 16 conference with Your Honor on Wednesday, April 24, 2013. In the interest of avoiding two separate Rule 16 conferences with two separate scheduling orders for the same case, we are seeking Your Honor's guidance on how to proceed.

We respectfully submit the two dockets be administratively consolidated under the older Case No. 2:12-cv-07003-ES-SCM with the Rule 16 conference to remain scheduled for Wednesday, April 24, 2013 before Your Honor. Counsel for Plaintiff and UPSOA join in this request. Obviously, we will proceed forward in the manner Your Honor deems appropriate.

We apologize for any confusion caused by the separate filings. Should Your Honor, or any member of your staff, have any questions or concerns please do not hesitate to call.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher Abatemarco', with a long horizontal flourish extending to the right.

Christopher Abatemarco

CA/amc